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Mr. Dillon Hopper
383 Hazzard Street
Scottsburg, IN 47170

07/03/2019

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES et al.,)
Plaintiffs,) Civil Action No. 3:17-cv-00072
)
v.)
) ORDER TO DEFENDANT
JASON KESSLER et al.,) VANGUARD AMERICA
Defendants.)
)
By: Joel C. Hoppe
United States Magistrate Judge

On July 2, 2019, the Court held a telephonic hearing on the record with Plaintiffs' counsel and Dillon Hopper, Defendant Vanguard America's authorized representative in this litigation, to identify Vanguard America's outstanding discovery obligations, set a schedule for Mr. Hopper to comply with those obligations, and discuss other procedural matters.¹ See Order of June 21, 2019, at 2, ECF No. 508. Mr. Hopper, who appeared and participated as directed, confirmed that he has received each of the Orders, discovery requests, and Stored Communications Act ("SCA") consent forms that explain Vanguard America's outstanding discovery obligations. See *id.* at 2–4. Accordingly, Mr. Hopper shall comply with the following steps and deadlines:

1. Within **seven (7) days** from the date of this Order:
 - a. Give Plaintiffs' counsel a complete and accurate SCA consent form(s) allowing **Discord, Twitter, and any other social media provider** to produce any discoverable documents or electronically stored information ("ESI") requested by Plaintiffs' counsel in this lawsuit. See Order of June 21, 2019, at 3; Order of Nov. 12, 2018, at 2, ECF No. 379.

¹ Other Defendants also appeared and participated at the hearing.

- b. Execute the Third Party Discovery Vendor contract mentioned in the Stipulation and Order for the Imaging, Preservation, and Production of Documents, ECF No. 383 (“Imaging Order”). *See Order of June 21, 2019, at 3; Order of Mar. 4, 2019, at 2–3, ECF No. 440.*
 - c. Complete and give to Plaintiffs’ counsel the Certification Form attached as Exhibit A to the Imaging Order. *See Order of June 21, 2019, at 3; Order of Mar. 4, 2019, at 2–3.*
2. Within **fourteen (14) days** from the date of this Order:
 - a. Make available to the Third Party Discovery Vendor for imaging and collection any Electronic Devices or Social Media Account credentials identified in the Certification Form. *See Order of June 21, 2019, at 3; Order of Mar. 4, 2019, at 3.* After the Discovery Vendor has collected all ESI responsive to the parties’ agreed-upon search terms, the Court will set another deadline for Vanguard America’s officer, director, or managing agent to review the results and produce all nonprivileged materials to Plaintiffs’ counsel. *See Order of June 21, 2019, at 3 n.2.*
3. Within **twenty-one (21) days** from the date of this Order:
 - a. Provide complete and accurate written answers to Plaintiffs’ First Set of Interrogatories. *See Order of June 21, 2019, at 3 & n.2; Order of Mar. 26, 2018, at 3, ECF No. 287.*
 - b. Provide complete and accurate written responses to Plaintiffs’ Requests for Production of Documents, and produce or permit inspection of any requested

documents or ESI that were not collected by the Discovery Vendor. *See Order of June 21, 2019, at 3 & n.2; Order of Mar. 26, 2018, at 3.*

4. On **Tuesday, July 30, 2019**, Mr. Hopper shall sit for a deposition by Plaintiffs' counsel devoted exclusively to both his and Vanguard America's conduct in pretrial discovery, including their efforts to preserve any documents, information, or materials that are potentially relevant to this litigation. *See Order of June 21, 2019, at 4.* The Court expects that Mr. Hopper will participate in good faith as required by the Federal Rules of Civil Procedure and this Court's prior discovery orders. *See id. at 2.* Plaintiffs are given leave to depose Mr. Hopper in subsequent depositions on the merits of Plaintiffs' allegations. *Id. at 4;* Fed. R. Civ. P. 30(a)(2)(A)(ii).

It is so ORDERED.

The Clerk shall send a copy of this Order to the parties.

ENTER: July 3, 2019



Joel C. Hoppe
U.S. Magistrate Judge